IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2047 OF 2005
IN
SECOND APPEAL NO. 176 OF 2002

Smt. Salimabegum Yakubkhan Pathan (since deceased) by her L.Rs. Harunkhan Y. Pathan & Ors.... ... Applicants.

Versus

Smt.Aashabi w/o Kadarkhan Pathan (since deceased) by her L.Rs. Rashidkhan K. Pathan & Ors..... ... Respondents.

Mr. A. N. Maniyar for the Applicants.

Mr. G. S. Godbole for the Respondents.

CORAM : ANOOP V. MOHTA, J.

DATED : 8TH DECEMBER, 2005.

P.C. :

On the oral request, leave to amend civil application is granted as prayed.

2. There is a delay of 16 days in taking out the present application for setting aside the order dated 21st July, 2005 dismissing the second appeal. A case is made out and therefore, this application is granted in terms of prayer clauses (a) and (b). Second Appeal is restored to the file. However, this will be subject to payment of costs of Rs.500/- to be deposited within two weeks with the Maharashtra State Legal Aid Authority.

3. This civil application is disposed of, accordingly.

Sd/-

(ANOOP V. MOHTA, J.)